

I. BASES OF OPPOSITION

Detective Ermatinger's concise explanation as to why he opposes the Plaintiffs' Motion shall be set forth in his accompanying brief pursuant to Local Civil Rule LR 56.4(b).

II. EVIDENCE IN SUPPORT OF DEFENDANT ERMATINGER'S RESPONSE

The evidence used in support of Detective Ermatinger's Response is set forth in his supporting appendix, which will be filed separately in compliance with Local Civil Rule LR 56.6(b).

III. CONCLUSION

For the reasons set forth in his supporting brief (to be filed separately), Detective Ermatinger respectfully requests that this Court deny Plaintiffs' Motion for Partial Summary Judgment on each and every ground asserted because Plaintiffs cannot establish a genuine issue of material fact that precludes Detective Ermatinger's qualified immunity defense or the entry of summary judgment in his favor on all claims against him.

WHEREFORE, Defendant Robert Ermatinger, Jr. respectfully requests that the Court deny Plaintiffs' Motion for Partial Summary Judgment in its entirety, and grant such further relief as the Court deems necessary and just.

Respectfully submitted,

CITY ATTORNEY OF THE CITY OF DALLAS

Christopher J. Caso
City Attorney

/s/ Lindsay Wilson Gowin
Lindsay Wilson Gowin
Senior Assistant City Attorney
Texas State Bar No. 24111401
lindsay.gowin@dallascityhall.com

Devin Q. Alexander
Assistant City Attorney
Texas State Bar No. 24104554
devin.alexander@dallascityhall.com

7DN Dallas City Hall
1500 Marilla Street
Dallas, Texas 75201
Telephone: 214-670-3519
Telecopier: 214-670-0622

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on August 19, 2020, I electronically filed the foregoing with the clerk of court for the U.S. District Court, Northern District of Texas, using the CM/ECF which will send notification to case participants registered for electronic notice. I further certify that I have served all case participants not registered for electronic notice by another manner authorized by the Federal Rules of Civil Procedure 5(b)(2).

/s/ Lindsay Wilson Gowin
Assistant City Attorney